IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 13658 of 2005

Between:

1 K. Pullaiah S/o K. Thirupathaiah
R/o H. No. 3-1-587, Road No.1, Kakatiyanagar Colony,

LB Ngar Hyderabad
2 P. Yadamma W/o Yadaiah
R/o Vadderabasthi Santhoshnagar, Hyderabad
3 V. Hanumantha Rao S/o Ranga Rao
Plot No.5, Dwaraknagarm, Karmanghat, Hyderabad
4 G. Venkateswarlu S/o Gopal Rao
R/o Plot No. 69, Dwaraknagar, Karmanghat, Hyderabad
5 Davala Samatha W/o D. Ramesh
R/o Shirdisainagar, Hasthinapuram,Hyderabad
6 Sripathi Jagjeevan Reddy S/o S. Krishna Reddy
R/o 149, Road No. 10, Greenapark Colony, Saroornagar, Hyderabad
7 Sudini Jyothi W/o S. Anjan Reddy
R/o Plot No. 182, Hasthinapuram North Sagarraod,

Karamanghat, Hyderabad
8 Nayini Mounika D/o N. Muthyapu Reddy, reptd by Mother

and Natural Guardian Nayani Sumathi
W/o N. Muthyapu Reddy R/o Plot No. 85, Brundavan

Colony, Champapet, hyderabad
9 Kanchrla Sunitha W/o Narotham Reddy
R/o Plot No. 63, Brundavan Colony, Champapet, Hyderabad
10 Sudini Anjan Reddy S/o Ram Reddy
R/o Durganagar, Karmanghat, Hyderabad
11 Baggi Narayana S/o Karrenna
R/o Plot No. 96, Dwaraknagar Karmanagar, Ranga Reddy D District
12 Pittalolu Chennaiah S/o Buchanna
R/o Plot No. 96 Dwarakangar Karmanghat Village
13 Sripathi Jgiveevan Reddy S/o S. Krishan Reddy
R/o B-149, Green Park Colony Saroornagar, Hyderabad
14 S. Sreelatha Reddy W/o Jagiveevan Reddy

R/o Kothaapally Villge, Yacharam Mandl, Ranga Reddy District

..... PETITIONERS

AND

1 The State of A.P., rep by Special Chief Secretary to the Government

(Revenue) Department Secretariat, Hyderabad
2 The Director Collector, Ranga Reddy District Khairtabad, Hyderabad
3 The District Registrar Stamps & Registration, RR District
4 The Sub Registrar, Champapet, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandmaus declaring that the action of the respondent No.4 in not registering and releasing the petitioners sale deeds as bad, arbitrary, illegal, discriminatory violative of principles of natural justice and contrary to G.O.Ms.No. 807 Revenue (Regn-I) Department dated 13-10-2004 and consequently direct the respondent No. 4 release the sale deeds of the petitioners after due registration of their plots.

Counsel for the Petitioners: MR.GUTTAPALEM VIJAYA KUMAR

Counsel for the Respondents: GP FOR REVENUE

This Court at the stage of admission made the following:

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

This writ petition is field questioning the action of the 4th respondent-Sub-Registrar, Champapet, Rangareddy District, in not registering and releasing the sale deeds of the petitioners as per G.O.Ms.No.807, Revenue (Registration-I) Department, dated 13-10-2004, as illegal, arbitrary, discriminatory, violative of principles of natural justice and contrary to G.O.Ms.No.807, dated 13-10-2004 and consequently, to direct the 4th respondent to release the sale deeds of the petitioners after due registration of their respective plots.

The petitioners contend that they purchased certain residential plots in S.Nos.57 to 60 situated at Karmanghat village, Saroornagar Mandal, Rangareddy District. They paid the requisite registration fee and submitted their sale deeds to the 4th respondent for registration. But, the 4th respondent refused to register the sale deeds on the ground that the State Government had issued G.O.Ms.No.751 dated 12-12-2001, wherein, it was declared that registration of documents of immovable property in the said survey numbers was opposed to public policy. All the Sub-Registrars were directed not to register any sale deeds pertaining to the said survey numbers and to pass refusal orders. Subsequently, Government issued G.O.Ms.No.807, dated 13-10-2004 under sub-section 1 of Section 22-A of the Registration Act, 1908, denotifying the earlier notification issued in G.O.Ms.No.751, dated 12-12-2001, in respect of the lands situated in the said survey numbers.

It is the case of the petitioners that in the light of G.O.Ms.No.807, dated 13-10-2004, the objections raised by the 4th respondent on the basis of G.O.Ms.No.751, dated 12-12-2001, does not exist. The petitioners placed reliance on the judgment of this Court in WP.No.11805 of 2005 dated 07-06-2005, wherein, this Court directed the respondents to release the documents presented by the petitioners for registration without raising any objection on the basis of the said G.O.Ms.No.751, dated12-12-2001. However, this Court made it clear that the order passed in WP.No.11805 of 2005 dated 07-06-2005 did not disable the registering authority to withhold the registration of documents, if there were some other objections for the registration of the documents, other than on the basis of G.O.Ms.No.751, dated 12.12.2001 and if there be other objections, the registering authority was directed to communicate such objections to the petitioners.

Accordingly, this writ petition is also disposed of in terms of the order passed in WP.No.11805 of 2005, dated 07-06-2005 with the following directions:

The fourth respondent shall release the documents presented by the petitioners for registration without raising any objections on the basis of G.O.Ms.No.751, dated 12-12-2001. The registering authority, however, is not disabled from withholding registration if there are some other objections to the registration of the documents other than on the basis of G.O.Ms.No.751, dated 12-12-2001. If there be other objections, the registering authority shall communicate such objections to the petitioners.

The writ petition is disposed of accordingly. No order as to costs.

RAMESH RANGANATHAN, J

27.06.2005

DR

To

1 The Special Chief Secretary to the Government,

(Revenue) Department, A.P., Secretariat, Hyderabad

2 The Director Collector, Ranga Reddy District Khairtabad, Hyderabad

3 The District Registrar Stamps & Registration, RR District

4 The Sub Registrar, Champapet, Hyderabad

5 2 CCs to Government Pleader for Revenue, High

Court Buildings, Hyderabad. (OUT)

6 2 CD copies